

REMARKS

Claim Amendments

Claim 26 has been canceled. Claims 1, 2, 24, 28, 32 and 34-35 have been amended. Claims 38-40 have been added. Support for the first and second flanges is provided in the figures. No new matter has been added.

Rejection under 35 U.S.C. §112, Second Paragraph

Claims 2-4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 2 has been amended to more clearly indicate the element to be a “section”, as set forth in Claim 1. Claims 32 and 35 are being similarly amended. Withdrawal and reconsideration of the rejection are respectfully requested.

Rejection under 35 U.S.C. §103(a) over Kalt

Claims 1, 5-6, 12-19 and 24-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,917,112 (“Kalt”).

Claim 1 has been amended to clearly indicate that the vent is located on the flange and that the bandaging device does not contact the wound site. See Figs. 4-9 for original support.

Kalt teaches a bandage with transparent dressing. The Kalt bandage is planar. This is a fundamental distinction from Applicant’s invention which provides a bandage that is raised and spans the wound but does not necessarily touch the wound site. This distinction is acknowledged by the Examiner in paragraph 20 of the Office Action. For small pox inoculation sites, the wound is very sore and raised and lasts for several weeks. Healing is facilitated if the wound is protected, but not disturbed. Therefore, the shape of Applicant’s bandage is not an obvious variation of Kalt’s design. In view of this fundamental distinction, Applicant’s claims are not obvious over the planer bandage of Kalt. Withdrawal and reconsideration of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103(a) over Kalt and Downing

Claims 34-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kalt in view of U.S. Patent No. 6,274,787 (“Downing”). The Examiner believes that it would have been

obvious to one of ordinary skill to construct portion 18 of Kalt with an arc in order to prevent contact with the wound of a user. Applicant respectfully disagrees with the Examiner's conclusion.

Kalt fails to teach a body portion that is raised and suffers from the deficiencies discussed above.

Downing teaches a "span-over-the wound" bandage.

Independent Claim 34 has been amended to clearly indicate that the bandaging device has two flanges, the first flange is where the vent(s) are positioned. This is clearly set forth in Figs. 4-5. This configuration is neither taught nor suggested by Kalt, in combination with Downing.

Applicant's bandage has features which are fundamentally different from a fictional partially-arcuate Kalt bandage, as suggested by the Examiner. Foremost, it is both the bandage configuration and its vent system that permits wounds, such as small pox wounds, to efficiently heal without cross contamination to other body parts on the patient or to other individuals. Neither Kalt nor Downing teach or suggest Applicant's venting system which is illustrated in Figs. 4-5, for example. Applicant has provided an area for ventilation while still maintaining the structural integrity and rigidity of the bandage.

Kalt does not describe Applicant's vent system but rather uses transparent material that is air and vapor permeable to fully cover the wound. While the frame of the Kalt bandage is semi-rigid, the transparent material of the Kalt bandage is not. Its construction into an at least partially arcuate bandage is not feasible, nor would it provide the necessary structure for protecting and spanning a wound site. Assuming that the more rigid material of Downing could be used to construct an at least partially arcuate bandage, there is no teaching in either Downing or Kalt on how to provide adequate or sufficient ventilation, as provided by Applicant's invention.

For all these reasons, the claimed invention is not obvious in view of the combination of Kalt and Downing. Withdrawal and reconsideration of the rejection are respectfully requested.

Allowable Subject Matter

Claims 7-11, 20, 23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form.


Claim 24 has been amended to incorporate the language of allowable Claim 26. The presence of the washer provides flexibility, comfort and normal bending/movement of the area for long term wear by the user, *i.e.*, for small pox vaccination sites the bandage would be placed on the site and would not be removed for three weeks or so. The washer also provides a barrier to prevent egress of any fluid from the wound site.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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